

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

**H.B. 3**  
**Jan 25, 2017**  
**HOUSE PRINCIPAL CLERK**

H

D

HOUSE BILL DRH50006-ML-22C (12/15)

Short Title: Eminent Domain Const. Amendment. (Public)

Sponsors: Representatives McGrady, Lewis, Malone, and Goodman (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED

AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO PROHIBIT  
CONDEMNATION OF PRIVATE PROPERTY EXCEPT FOR A PUBLIC USE AND TO  
PROVIDE FOR THE PAYMENT OF JUST COMPENSATION WITH THE RIGHT OF  
TRIAL BY JURY IN ALL CONDEMNATION CASES.

The General Assembly of North Carolina enacts:

**SECTION 1.** Article I of the North Carolina Constitution is amended by adding a new  
section to read:

**"Sec. 38. Eminent domain.**

Private property shall not be taken by eminent domain except for a public use. Just  
compensation shall be paid and shall be determined by a jury at the request of any party."

**SECTION 2.** The amendment set out in Section 1 of this act shall be submitted to the  
qualified voters of the State at a statewide election to be conducted on November 6, 2018, which  
election shall be conducted under the laws then governing elections in the State. The question to  
be used in the voting systems and ballots shall be:

"[ ] FOR [ ] AGAINST

Constitutional amendment to prohibit condemnation of private property except for a  
public use and to provide for the payment of just compensation with right of trial by jury in all  
condemnation cases."

**SECTION 3.** If a majority of votes cast on the question are in favor of the amendment  
set out in Section 1 of this act, the State Board of Elections shall certify the amendment to the  
Secretary of State. The Secretary of State shall enroll the amendment so certified among the  
permanent records of that office. The amendment set out in Section 1 of this act becomes effective  
upon certification and applies to takings after that date.

**SECTION 4.** This act is effective when it becomes law.

